

Mail Order Brides in Canada:
The Unrecognized Exploitation of Women through the Abuse of Marriage

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Introduction

Mail order brides are a vulnerable group of people. They are exploited for domestic labour and sexual services, and dominated physically and psychologically by their purchasers. While the circumstances surrounding the procurement and sale of mail order brides in foreign countries are unfortunate and often disturbing, the law in Canada is unequipped to address wrongs perpetrated overseas. What is within the purview of our laws is the ability to regulate the mail order bride industry on the demand side, with respect to Canadian citizens who are the purchasers. The libertarian ethic is of course offended by this suggestion. In Canada we have a well-documented history of civil liberties, including the right to marry and live with any person we choose.

There is no suggestion here that this right should not be supported to its fullest reasonable extent. However, we do already place reasonable restrictions on even this basic right to choose a mate: for example, the state prohibits marriage within certain degrees of consanguinity. There are times when individual liberties must be restricted in favour of the general public interest. The reasonableness of a limitation on liberty is very often dependent upon the magnitude of the harm such a limitation is seeking to prevent, and one of the greatest harms to be prevented is the infringement of the security and liberty of others. Thus, it is a well-established principle in Canada that a person should be given freedom only insofar as it does not impinge on the freedom and security of others.

No situation better documents the need for such a principle to be applied than the state of mail order brides. These women are intentionally exploited by their purchaser-husbands because of their social and economic situations overseas, and as a result their liberty and security is severely compromised. Many have no reasonable option but to acquiesce to their servitude, and they are exchanged like commodities, becoming Canadian residents and even citizens without ever fully understanding their fundamental rights and duties as a member of our society. It is not, therefore, enough to simply say that they are technically protected to the same extent as other people in Canada. A statute cannot protect, from threats and exploitation, those who do not know it exists, or who cannot read or understand it. Mail order brides' rights are contravened through their ignorance, which is encouraged and maintained by their exploiters, and our failure to respond to this situation is tantamount to turning a blind eye to their situation. We are, in essence, allowing an abuse of our immigration system, through its spousal sponsorship provisions, for purposes entirely contrary to fundamental human rights.

There are a number of aspects of this problem that will be discussed. However the overriding point is that we cannot remain blind to this situation. The first section of this paper will be dedicated to an examination of the mail order bride industry: where they come from, why they come to Canada, and what happens to them when they are here. This exploration will bring to light the fact that these women are victims of exploitation and human trafficking. What will also become apparent is that they are not able, whether by ignorance or by oppression, to avail themselves of the protections guaranteed to most people in Canada. An examination of the men who bring over mail order brides will show that this is the very purpose for which these women are sought

after: they are women who will not exercise their rights, who will not question their husbands' authority, and who will passively submit to the role of domestic and sexual servant.

The second part of this paper will examine the individual experiences of mail order brides. An understanding of their experiences and situations will indicate that education and intervention programs are necessary to protect these women's rights as Canadian residents and citizens. There is no suggestion here that women not be allowed the right to choose their role as a member of a family, but it is equally important to understand that no free choice can be made where one is either not aware of the options, or is under threat and coercion. Many foreign women are educated and socialized for decades under male-dominated, chauvinistic, and sometimes blatantly misogynistic regimes. Such social engineering can not be reversed by simply asserting that they have a technical right to freedom of choice: we must convince these women through positive steps that, contrary to their years of upbringing, they are actually entitled to equal protection under the laws of Canada.

The final section will be dedicated to an examination of the way in which the mail order bride industry takes advantage of Canada's current immigration system in order to exploit vulnerable foreign women for domestic and sexual services. This section will include an examination of the efficacy (or lack thereof) of current Canadian legislation, as well as suggestions for new or modified legislation that might mitigate the problem. The discussion will not address technical minutiae; once again, the key point is to recognize that we must take positive steps to address the relationships of inequality and exploitation that mail order brides are subject to. We cannot continue to allow residents

of our country to lack true protection under our laws, nor can we allow our citizens to subject others to mistreatment under the thin guise that their victims do not ‘want’ our protection. This is an issue that should properly evoke one of the most elemental of human rights: that we must recognize and respect the common dignity and personal autonomy of all people, even if it means a necessary curtailment of our own civil liberties.

I. The Business of Trafficking in Women

What is a Mail Order Bride?

*336A. Babelyn (23). Phillipines. 5’4”, 100. I like a man who is gentle, caring and thoughtful. I am a little bit shy, but thoughtful and caring. I’m also a loving person. I have long black hair (at present) brown eyes and brown complexion. I promise to response to all letters I received [sic]*¹

*Angela 777 Russia (age 19). Attractive, intelligent, social, cheerful, gentle and caring. I want to love and be loved!!! I’m looking for an American man who is attractive, self-confident, smart, educated (University), communicative, no children, age 23-35, a person, who wants to find his soulmate.[sic]*²

*Jessica Lou. Philippines (age 19.)I am looking for a man who is unique...the one who truly loves me as I am...I will do my very best just to make the best of you n make you happy.[sic]*³

Magazines, catalogues, and internet sites containing personal advertisements such as those shown above are quickly becoming a mainstream mechanism whereby North

¹ Mila Glodava & Richard Onizuka, *Mail-order brides: women for sale* (Fort Collins Colorado: Alaken Inc., 1994) at 1 (*Glodava and Onizuka*).

² European Connections and Tours, *EastWestMatch.com testimonials*, online: Search – EastWestMatch.com <<http://www.eastwestmatch.com/search.cfm>>, accessed 2006-03-30.

³ MyForeignBride.com, *International Ladies Seeking Marriage, member profile*, online: MyForeignBride.com – Women from around the world seeking Marriage <http://www.myforeignbride.com/Member_Profile.cfm?ID=136935&First_Name=Jessie%20Lou>, accessed 2006-03-30.

American men can meet potential “mail-order brides” (MOBs). Glodova and Onizuka write:

“The term ‘mail-order brides’ has become a catch-all phrase for women who find their spouses through the mail. The process may be initiated by an introduction service agency, through the use of catalog, newspaper and magazine advertisements, or a videotaped service. It may also be initiated through introductions made by a friend or relative.”⁴

Quite contrary to any romanticized notion of long-distance love, what is common to most MOBs is that they are the chief “commodity” of a giant industry spanning the globe.

Upon typing the words “mail-order brides” into the popular internet search engine “Google” there were 2 220 000 hits, indicating an abundance of internet agencies. What should also become immediately apparent is that MOBs are offered to prospective purchasers almost exclusively through the agency of some organization, often referred to as an “International Marriage Broker.” “Wikipedia”, an online encyclopedia, defines the popular term “mail-order bride” as:

A label applied to a woman who lists herself in a catalog or marriage agency that publishes her intent to marry a foreign man. Although the label is widely used, it has derogatory connotations and may be offensive. Generally, courtship between a mail-order bride and her foreign partner is brief or absent. Mail-order brides hail from dozens of developing countries and a few hail from developed ones. Ukraine, Russia, Colombia and the Philippines have particularly large numbers of mail-order brides.⁵

MOBs are not related in any way to traditional practices of arranged marriage.

Wikipedia continues to point out that:

The mail-order bride process differs from an arranged marriage. An arranged marriage is one in which the marital partners are chosen by others based on considerations other than the pre-existing mutual attraction of the partners, while

⁴ *Supra* note 1 at 2.

⁵ *Wikipedia: The Free Encyclopedia*, s.v. “Mail-order bride”, online: Mail-order bride – Wikipedia, the free encyclopedia <http://en.wikipedia.org/wiki/Mail-order_bride>, accessed 2006-03-30.

a mail-order bride is selected by a man from a catalog of such women, sometimes with the assistance of a marriage agency.⁶

If it seems at first glance to be morally questionable that men should be entitled to have their pick of wives from a catalogue or agency, without the woman's input, perhaps it should. The practice of MOB's being sold from "developing" countries to foreign men seems oddly reminiscent of the American colonial slave trade of the 1600s: the procurement and sale of human beings to wealthy foreigners. But how does this come about? Are MOB's truly forced into servitude against their will, offered for sale by entities akin to the infamous Royal African Company of 1672, who enjoyed a 26 year English monopoly on the slave trade to the new world?⁷

It would seem appropriate to examine the motivations and circumstances of MOB's. Undoubtedly there will be some who enter the trade of their own free will, unfettered by coercion, duress, or despair over their social and economic conditions at home. The question, however, is how many make the journey of their own volition, and how many do so by force, coercion, or desperation? Dr. Donna Hughes of the University of Rhode Island seems to think that most MOB's fall into the latter category:

Each year, thousands of women marry men they have met through marriage agencies. Driven by poverty, unemployment, and media images of Western lifestyles, women accept risky offers of marriage in hope of finding a better life. Although some women may find the romance and opportunities they seek, many become victims of violence, sexual exploitation, and sex trafficking.⁸

⁶ *Ibid.*

⁷ PBS, "Africans in America", online: Africans in America/Part 1/Royal African Trading Company established <<http://www.pbs.org/wgbh/aia/part1/1p269.html>>, accessed 2006-03-21.

⁸ Donna M. Hughes, "Human Trafficking: Mail-Order Bride Abuses", testimony, Senate Foreign Relations Committee: Subcommittee on East Asian and Pacific Affairs (*Hughes*).

Glodava and Onizuka describe these women as plagued by “poverty and feelings of powerlessness... unwanted by the men of their own countries because they carry the stigma of failure or bring with them the financial burden of another man’s offspring.”⁹ They go on to add that the main reason for many women to sell themselves to a foreign husband is as “a ticket out of a life of poverty and oppression.” It is noted that a very large number of women who are available as MOBs come from China, Japan, and Malaysia, where sexual inequality compounded with severe poverty and male-dominated culture leaves them little option but the sex trade.¹⁰ In a way, being purchased by a stranger seems almost preferable.

What is wrong with the practice of purchasing Mail Order Brides?

“Nela,” a Filipino mail order bride married to a Canadian man since 1988, considers her marriage a necessary step in the “survival” of her family.¹¹ Like many other Filipino brides, she “helps” other Filipino women by advertising them to Canadian and American men. Despite her good intentions, many of the women she helps (including her own sister), are now trapped in verbally and physically abusive marriages, saddled with as many if not more domestic duties as those that live-in caregivers must perform, for which they receive no pay. Nela does not talk about her sister’s situation, saying that it is “not her place” to interfere in the other’s marriage. In fact, often women are considered “ungrateful” if they complain about their situation and marriage,

⁹ *Supra* note 1 at 32.

¹⁰ *Ibid* at 47.

¹¹ Philippine Women Centre of B.C., “Canada: The New Frontier for Filipino Mail-Order Brides”, Status of Women Canada, November 2000 (*Philippine Women Centre of B.C.*).

particularly among the Asian MOB community,¹² probably because many mail order brides consider themselves lucky just to be in Canada, irrespective of the treatment they receive here.

The question becomes, then, is this just a problem of perception, or is there something inherently immoral occurring here? Consider the definition of “trafficking” in human beings as adopted by the United Nations in 2000:

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of **the abuse of power or vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation**. Exploitation shall include, at a minimum, the exploitation of the prostitution of others **or forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude** or the removal of organs.
{emphasis mine}¹³

The identical definition has been adopted in Canada as part of the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.”¹⁴ Applying this definition to the experiences of women sold as MOB, as well as the admitted reasons for which men purchase them, leads to nothing short of an

¹² *Ibid.* “Ungratefulness,” for example, is a highly stigmatized concept in Filipino culture, taking on a strongly negative social significance akin to that of “harlot” or “adventuress” in colonial European culture. Filipino women branded “ungrateful” amongst their peers face almost ubiquitous social persecution, even from their own families (*Ibid.*). In the example of “Nela” above, this provides the most likely explanation for her oddly uncaring attitude toward the situation of her own sister. As will be herein explored, it is this and similar attitudes which form part of the enabling foundations of exploitation typical in the mail order bride industry, and for which mail order brides are sought after by their purchasers. It is also attitudes such as this which inform the crucial need for comprehensive education programs for mail order brides, as will also be herein discussed.

¹³ Drs. Sema Erder and Selmin Kaska, “Irregular Migration and Trafficking in Women: The Case of Turkey”, International Organization for Migration, November 2003.

¹⁴ Canada, Department of Justice, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, online: <<http://www.justice.gc.ca/en/fs/ht/index.html>>, accessed 2006-03-21.

unequivocal confirmation that these women *are being trafficked* in the clearest sense of the word.

To begin with, the inequality of living conditions in the MOB “source countries” as compared to in Canada forms one of the bases upon which Canadian men are able to assert their authority over their MOB. This satisfies the United Nations definition’s requirement of “abuse of power or vulnerability or of the giving or receiving of payments or benefits to achieve the consent.”¹⁵ In fact, the economic and social situations of foreign mail-order brides in their own countries are, almost without exception, major factors in the woman’s decision to marry a foreigner. These “push” factors – factors tending to “push” women out of their home countries – have been identified by the Asian Development Bank as including:

- (i) economic (poverty, food scarcity, lack of employment, natural disaster)
- (ii) sociocultural (lack of community awareness of trafficking, gender discrimination, low values attached to female children, sexual abuse at home and in the community, ethnic or caste-based discrimination)
- (iii) historical source areas of trafficked women
- (iv) political (wars, conflicts)¹⁶

These factors highlight the vulnerability of the women being trafficked. What is also interesting to note is the “pull” factors, which tend to work to extract women from their home countries, even against their will. These were identified as:

- (i) development of international syndicates
- (ii) demand for cheap labour

¹⁵ *Ibid.*

¹⁶ Asian Development Bank, “Technical Assistance for Combating Trafficking of Women and Children in South Asia”, November 2000.

(iii) absence of effective legislation and ineffective intergovernmental collaboration

(iv) poor governance and law enforcement, including police and state corruption¹⁷

These factors illustrate the “abuse of power” as well as the coercion, fraud, and deception elements of the definition.

Given that MOBs are thus in a vulnerable position, and given the definition of trafficking, it is then appropriate to consider if these are in fact the reasons women become MOBs, and what forces are exerted on them in the course of their decision.

Mantana Verachai, reporting for the Global Alliance Against Traffic in Women Canada, states:

Marrying a man from a rich country or working as a migrant prostitute has become a choice for women with lower income status.... the subordinate position of women, traditional beliefs and practices in [the Asia-Pacific] region are also important factors. The concept of “good” and “bad” women and the stigmatization of women who are prostitutes as well as the victimization of trafficked women make it difficult to talk about their traumatic experiences and the slavery-like conditions of work abroad.¹⁸

It would seem that, at least in some cases, the choice is an extreme one between marrying a foreigner and becoming a stigmatized, enslaved migrant prostitute, highlighting the coercive “push” and “pull” factors at play. Glodova and Onizuka agree, pointing out that when sexual inequality is compounded with imbalances between different nations, people find ways to profit, either through the enterprise of prostitution or through the MOB industry.¹⁹ Robert Elegant, speaking of MOBs from the Philippines, says “[t]he Filipinas are eager to marry foreigners regardless of age, temperament, appearance, or comparative

¹⁷ *Ibid.*

¹⁸ Mantana Verachai, “Report from the Asia-Pacific Region”, *Whores, Maids & Wives: Making Links*, Proceedings of the North American Regional Consultative Forum on Trafficking in Women, Victoria, BC, April 1998.

¹⁹ *Supra* note 1 at 47.

penury. They are desperate to leave the country where their best prospects are unpaid drudgery as rural or slum wives – or the evanescent glitter of the red-light districts.”²⁰

Consider also the United Nations definition’s requirement of “sexual exploitation, forced labour or services... or... servitude.”²¹ These are precisely the reasons why demand exists for MOBs. Asian American Worldwide Services (AAWS), a major California-based competitor in the United States MOB business, have characterized their Filipino “product” in this manner: “they are known for their close family ties and devotion to their husbands, most of them are not materialistic, are easy to please and are submissive, when it comes to sex, they are demonstrative and uninhibited... and most, if not all, are virgins.”²² Another competitor, Pacific Matchmakers, advertises “ladies... of good moral character, faithful, willing to work and the greatest homemakers. Their DEVOTION is total and they do not feel the need to be liberated as do some Western Women.”²³ Professors Louise Langevin and Marie-Claire Belleau of the University of Laval Faculty of Law write that MOBs are mostly depicted as deeply religious, and thus “will exert every effort to avoid the failure of their marriage and the humiliation flowing from divorce.”²⁴ Russian women, for example, are praised as “traditional and eager to please,” while Asian women are considered “submissive, silent, obedient... devoted... exotic and erotic.”²⁵ Importantly, MOBs “tend to mistrust the legal system and therefore are not inclined to use it to assert their rights because of their experience with corruption,

²⁰ Robert Elegant, *Pacific Destiny: Inside Asia Today* (New York, Crown Publishers, 1990).

²¹ *Supra* note 13.

²² Glodova and Onizuka, *supra* note 1 at 55.

²³ *Ibid* at 13.

²⁴ Louise Langevin and Marie-Claire Belleau, “Trafficking in Women in Canada: A Critical Analysis of the Legal Framework Governing Immigrant Live-in Caregivers and Mail-Order Brides”, *Status of Women Canada*, October 2000 (Langevin and Belleau).

²⁵ *Ibid*.

dictatorship, and the non-litigious approach in their countries of origin.”²⁶ The generalized “selling features” of MOBs therefore seem to be blind devotion, sexual and social submissiveness, obedience, willingness to be a domestic labourer, and a lack of desire to insist on equal rights and treatment under the law: certainly not inconsistent with a relationship of exploitation.

Is this advertised perception actually shared by the purchasers of MOBs? AAWS was started by a retired American man who states that his first 23-year marriage ended in divorce because “I got tired of finding my American wife watching TV day after day, when I returned home after a hard day’s work, finding the house in disarray, no dinner started and constant griping about the children.” After finding a less vocal, more industrious substitute overseas, he founded AAWS to help men “look for a faithful, devoted, unspoiled, and loving Asian wife.”²⁷ The Japanese American Citizens League has characterized men seeking Asian brides as “white, much older than the brides they choose, are socially alienated, experience a feeling of personal inadequacy, are politically conservative, frustrated by the women’s movement, and find the traditional Asian value of deference to men reassuring.”²⁸

Langevin and Belleau write that consumer husbands are “distinguishable above all by their hatred and fear of the feminist movement,” which they blame for making women “too ambitious professionally, make excessive demands in marriage, and have expectations of equality with their husbands.” They note that anti-feminist backlash is prominent on MOB websites, and that most of the purchasers seem to be “looking for domestic and sexual services supplied by young, poorly educated brides whom they can

²⁶ *Ibid* at 91.

²⁷ *Glodova and Onizuka, supra* note 1 at 11.

²⁸ *Ibid* at 27.

keep under control.”²⁹ Perhaps even more disturbing is Langevin and Belleau’s observation that, having spent a large amount of money to obtain their bride, the husbands “expect services commensurate with the price paid. Some of them even boast about having ‘bought’ brides because they cost less than the services of prostitutes.” Another aspect is that husbands “hope to receive the gratitude of the brides as their saviours who enabled them to immigrate to their country and took them out of their misery.”³⁰

Perhaps the best evidence of these men’s attitudes is that of their own testimonials. A Colorado man described his mail order bride in this way:

Someone who would put me first in all things; my needs come before anything else. A nice little wife. She does everything in the house, that’s it. She’s my wife and not working for someone else... if she got a job as a bank teller downtown and did the typical after work activities, going for a few drinks with the ladies, and then starts comparing notes, she could be easily influenced and become a real women’s libber. And that’s dangerous. I feel sort of threatened by that sort of thing. As long as she stays the way she is and doesn’t become crazy, we’ll have a good marriage.³¹

Of note is not simply the power over the MOB that is described in this sort of relationship, but also the thinly-veiled threat at the end of the comment. One wonders what consequences might arise if this man’s MOB were to get a job, “compare notes” with other women, or become a “women’s libber.” In fact, the consequences to the woman are rarely minimal, as will be evidenced. Even less candid testimonials tend to carry with them the underlying values of domestic servitude and male dominance, as these recent quotes from the internet marriage site “romeojuliet.com” illustrate:

They are trained early to be famine and to take care of husband and they like to have children. There is difference in Ukrainian women and others else here

²⁹ *Langevin and Belleau, supra* note 24.

³⁰ *Ibid.*

³¹ *Ibid* at 31.

(America!!) who are beautiful, though, they work long and hard and have little. But they never cease to maintain their beauty and attitude... However, some look very American. There are few fat Ukrainian men or women. The women are not superficial and don't put on airs. They are serious about what they want (a husband) and they will not play games. The women at that agency want a good husband. They have the capacity to do their part. [sic]³²

The Ukraine is full of beautiful girls like the United States. However many of the Ukrainian girls have a sincere desire for a traditional husband and wife relationship. Similar to the marital roles in the 1950s in America... Nadya and the interpreters were gracious and willing to do anything to make you comfortable and happy... If your aim is to find a suitable, appreciative wife then romeo and juliet are for you. You will have a endless number of highly educated women to choose from all of which range from cute to swimsuit models. [sic]³³

In addition to the obvious sexual desires, there are countless clear references to the “traditional” wife, who puts her husband first. Other desirable qualities almost always seem to include working hard, implying some sort of general laziness or deficiency with western women.

What is also notable are the frequent references to the living conditions in the MOB's home country. Men constantly speak of them as “having little”³⁴ or being impoverished, and almost all men seem to be fully aware of the bleakness of their MOB's economic situations.³⁵ This clearly indicates subjective knowledge of exploitation, and almost certainly plays into the control aspect of the relationship, which sets the tone for the marriage. It is perpetuated by the fact that the male has almost exclusive control over every aspect of the courtship, both in terms of decision-making as well as in almost all cases holding financial power over the MOB once she has successfully immigrated to the

³² Romeo Juliet, *Testimonials*, online: Testimonials: Beautiful Russian Women and Mail Order Brides <<http://www.romeojuliet.com/testimonials.shtml>>, accessed 2006-03-21.

³³ *Ibid.*

³⁴ *Supra* note 29.

³⁵ *Langevin and Belleau*, *supra* note 24.

man's country.³⁶ The power imbalance is further exacerbated by the fact that "the immigrant bride often remains the sole economic support of her family in her country of origin," as well as being the only hope for immigration sponsorship for her family, and "[t]he consumer-husband has sole control of the resources to assist the bride's family."³⁷

This knowledge by the MOB purchaser is more than simply a reiteration of his desire to control his wife: it is also a clear and blatant admission that he is fulfilling the United Nations' definition of trafficking, namely the requirement "of the abuse of power or vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation."³⁸ This is a very important point: the men who purchase MOBs are *fully aware* that they are exploiting people who live in less fortunate economic conditions. The "benefit" they offer is immigration to their home country, where the MOB could escape the bleakness of her social situation. Moreover, if the consumers are aware of this fact, and disclose such in their testimonials, then it is substantially certain that the MOB provider agencies are also aware of it, and are complicit in the practice.

Why involve the Law?

It has been well established that exploitation of overseas and immigrant workers for labour is not tolerated in Canada.³⁹ Thus the question is begged why this exploitation of women is not dealt with. Perhaps it avoids notice because of a conceptual disjunction between the personal/private and the public/commercial spheres of life – the idea that the

³⁶ *Ibid.*

³⁷ *Ibid* at 109.

³⁸ *Supra* note 13.

³⁹ For an in-depth discussion on international labour exploitation, see Judy Fudge, "Labour Is Not a Commodity: The Supreme Court of Canada and the Freedom of Association" (2004) 67 Sask. L. Rev. 425.

principles of liberty and self-determination require that government not interfere in “personal” matters. If that is the case, however, then we must remove our blinders. The Mail Order Bride business is big business. The Philippine Women Centre of B.C. writes:

According to the Philippine government, close to 150 000 Filipino women left the country between 1989 and 1998, as fiancées or spouses of foreigners... the sheer scale of the commodification of Filipino women and the profits to be made in the mail-order bride industry are illustrated by the example of one U.S. agency. Cherry Blossoms has 1000 men per month paying \$200 each for this ‘service’ - \$2 400 000 gross annual profit.”⁴⁰

Langevin and Belleau note:

The “mail-order bride” phenomenon has spawned a multi-million dollar industry that markets women from Third World countries to men in the industrialized nations of the West. The phenomenon may therefore be characterized as an “industry” because it gives rise to organized, large-scale economic activity. It is also a “trade” or “business” because when we analyze the MOB phenomenon, we find it involves buying, selling, the exchange of goods or the sale of services... the object of the trade is ultimately the purchase and sale of the brides themselves and their services. For the purposes of our report, we use the term “industry” and “trade” (or “business”) in analyzing the MOB phenomenon.⁴¹

Dr. Robert Scholes, in his research for U.S. Citizenship and Immigration Services, states unequivocally that the MOB “industry” is composed, in America, of over 200 different services, through which 100 000 to 150 000 women annually are advertised as available for marriage.⁴² These businesses, Scholes writes, can be highly profitable. “Cherry Blossoms,” same MOB agency referred to above, has been operating since 1974 and lists 6000 or more women at any one time. Its president “reports that his agency serves over 1000 men per month who pay up to \$200 each.”⁴³

⁴⁰ *Philippine Women Centre of B.C.*, *supra* note 11 at 13.

⁴¹ *Langevin and Belleau*, *supra* note 24 at 80.

⁴² Robert J. Scholes, *The ‘Mail Order Bride’ Industry and Its Impact on U.S. Immigration*, report for The Immigration and Naturalization Service, U.S. Citizenship and Immigration Services, online: INS Reports and Studies <<http://uscis.gov/graphics/aboutus/repstudies/Mobappa.htm>>, accessed 2006-03-22.

⁴³ *Ibid.*

Using this figure as a maximum, and based on a minimum user charge of \$10/month (a discounted rate obtained by purchasing a one year subscription)⁴⁴, this indicates a monthly gross income of between \$10 000 and \$200 000 USD, for this one single agency. This is not incompatible with 1989 estimates that MOB agencies typically grossed between \$200 000 and \$500 000 per year at that time,⁴⁵ especially allowing for both inflation and the “phenomenal” recent growth in the industry.⁴⁶ It is difficult to locate compiled statistics, but a rough estimation of the total value of the American MOB industry can be obtained by assuming the same minimum figures for usage (\$10 to \$200 monthly) for all services. If the user ratio holds constant at about 1000 men for every 6000 women listed, and given that Scholes’s estimations of the total number of women advertised is accurate, then the total American industry likely brings in at least \$166 000 USD per month, and at most \$5 million USD per month.⁴⁷ A conservative midpoint figure is probably more representative of the actual totals over time: somewhere between \$1.25 million USD and \$1.65 million USD per month.⁴⁸ This makes the American MOB *advertising* industry alone worth somewhere between \$15.0 million USD and \$19.8 million USD per year.

⁴⁴ Cherry Blossoms, membership information, online: Mail Order Bride, Foreign, Russian, Asian, Ukrainian Brides and Romance Tours, <<http://cherry1.blossoms.com/cgi-bin/start.cgi/startreg.html?startwhich=men&adid=googleppc&userid=>>, accessed 2006/03/22.

⁴⁵ *Glodova and Onizuka*, *supra* note 1 at 12.

⁴⁶ *Scholes*, *supra*, notes that between the time *Glodova and Onizuka* reported in 1994, and the time of his report (1998), over 100 new MOB agencies had emerged.

⁴⁷ Based on calculations: 100 000 to 150 000 women advertised (*supra* note 41), at a ratio of 6 women to 1 male consumer, totals between 16 600 and 25 000 men. At a membership or user fee of between \$10 and \$200 per month, the minimum monthly industry income is \$166 000 (16 600 men x \$10/month), and the maximum monthly industry income is \$5 000 000 (25 000 men x \$200/month).

⁴⁸ Based on a conservative assumption that the average monthly expenditure for male consumers will actually fall between 25% and 33% of the theoretical maximum monthly expenditure. Thus \$5 000 000 x 0.25 = \$1 250 000 and \$5 000 000 x 0.33 = \$1 650 000. There is no reason evident to suspect that this assumption leads to an unrealistically high figure – the actual figure may be higher.

Of course, advertising is only one piece of the puzzle. Men who are actually serious about finding a MOB typically pay between \$275 and \$1000 USD for catalogues, \$30 each for “personality evaluations” of potential brides, as well as paying for advertisements in foreign newspapers, expensive overseas long distance telephone calls, and “interview” video tapes of the women.⁴⁹ Many companies will also sell either the letters, photos, or contact information of the women who advertise with them. In fact, Glodova and Onizuka estimate that, by the time the relationship actually culminates in marriage, a man may have spent as much as \$10 000 to \$15 000 USD, including gifts, trips overseas, wedding ceremonies, and agency fees.⁵⁰ This also does not include foreign or domestic visa applications and marriage licences, nor does it include any financial support extended to the MOB’s family. This significant financial outlay contributes directly to the problem of the conceptualization of these women as property: “because of these extraordinary expenses, some husbands feel that they have ‘bought’ their brides and that they, in fact, own their new wives.”⁵¹

Furthermore, most MOB agencies cross-market with “Romance Tours,” which are essentially sex tours on which men partake in organized prostitution holidays in the foreign country, sometimes with “a beautiful female companion as a private tour guide.”⁵² Some of these tours are ostensibly dressed up as “Wife-Seeking Tours,” others are candidly marketed as “X-Rated Escorted Tours.” Tours can cost between \$3000 and \$10 000 depending on duration, “features,” and the number of women they promise that

⁴⁹ *Glodova and Onizuka, supra* at 17.

⁵⁰ *Ibid.* It is also interesting to note that the same researchers concluded that 36% of MOB purchasers earned less than \$20 000 annually, indicating an almost inconceivable proportion of their income going to the purchase of the bride.

⁵¹ *Ibid.*

⁵² *Hughes, supra* note 8.

the purchaser will “meet.”⁵³ A typical tour promises a choice of between 500 and 2000 women.⁵⁴ Some agencies also cross-promote pornography – from nude photos of the women advertised, to fully integrated forays into the mainstream sex industry.⁵⁵ On top of it all, many of the women advertised pay a fee in order to have “agents play an active role in finding their future mates and in arranging their marriages,”⁵⁶ meaning the industry makes money at both ends.

All of these other costs, put together, might easily total five to ten times as much as the MOB advertising industry alone. In short, given the size and profitability of the industry, as well as its obvious integration into the travel, communications, and even sex industries, there is absolutely no reasonable ground upon which to conclude that the MOB industry is properly a “personal/private” matter. This type of mass consumerism simply cannot be afforded a conceptual distinction from commercial enterprise. The entire process, from looking to meeting to marrying, is overseen by a vast and complex network of advertising, travel, tourism, and sex agencies, and should not be cloaked in the false pretext of the “private” sphere of life. As noted earlier, the innocent conceptualization of a man and a woman meeting and falling in love through romantic correspondence is simply not accurate. The MOB industry is no less commercial, no less “big business,” than any other industry, and if Canada is unwilling to tolerate the abuse of human rights and the exploitation of foreigners by other industries, then we cannot justifiably turn a blind eye to this one.

⁵³ Based on prices quoted by ‘A Foreign Affair’ Romance Tours, 2006 Schedule, online: Romance Tours to Russia, Ukraine, Colombia, Costa Rica, Colombia and Peru <<http://www.loveme.com/tour>>, accessed 2006/03/23.

⁵⁴ *Ibid.*

⁵⁵ *Hughes, supra* note 8.

⁵⁶ *Glodova and Onizuka, supra* note 1 at 19.

II. Vulnerability in Marriage: The Imbalance of Power

How serious is the problem?

One sad aspect of the MOB trade is its general acceptance in almost all societies, including ours. In an analysis of Asian MOBs by Dr. Scholes, seventy percent were found to be Filipino, despite Republic Act No. 6955, making the trade illegal in the Philippines.⁵⁷ Mail order brides are so popular in Taiwan that the government has imposed a limit on the number who can enter the country each year from other countries.⁵⁸ Scholes's study approximates 10 000 mail order marriages in the year 1998, around 4000 to American men and the rest distributed between Canada, Australia, Europe, and Japan.⁵⁹ From a subjective viewpoint, the MOB trade may not seem to evoke a particularly visceral reaction, and one might well learn that a friend, relative, or co-worker is seeking a MOB and think "that's a bit odd" and leave it at that. However, studies have directly implicated the MOB trade and its related industries in organized crime and international trafficking of women:

Traffickers employ a spectrum of methods to enslave trafficked persons. These are: kidnapping, abduction, rape and sale, material inducements to parents, relatives and guardians to sell women family members, **deceit in the form of promises of well-paying, legitimate jobs, better quality of life, residency status in more prosperous countries, or befriending, declaration of love and fake marriages**. Newer and more sophisticated methods of force and violence are being used to facilitate brokering, liaising, and market linkages for the sexual exploitation and enslavement of women and children. **These range from**

⁵⁷ Scholes, *supra* note 42.

⁵⁸ *Ibid.* In 1998, Taiwan allowed 360 brides from Indonesia, 420 from Burma, and 1080 from China.

⁵⁹ *Ibid.*

international marriage alliances and the mail order bride system to the use of Internet services for the global exchange of sex-related services.⁶⁰

The 2003 Commonwealth Secretariat also notes that “[t]rafficking is now considered the third largest source of profits for organized crime, behind only drugs and guns, generating billions of dollars annually.”⁶¹ When you consider the sheer volume of MOBs advertised,⁶² it is not hard to envisage this darker side of “romance for sale.” Canadians should not simply turn a blind eye and shrug our shoulders and say “we didn’t know there was a problem here”: indeed we cannot in good conscience do so. More to the point, allowing traffickers to easily sidestep pitfalls in the immigration process sends an undesirable message that Canada is “open for business” and unprepared to deal with modern social problems, a proposition that could seriously hurt our national reputation as mediators and leaders in the international community.

But perhaps policy and statistics do not suffice to raise a reaction from society in general. Perhaps it is through personal stories that social acceptance of, or indifference to, this exploitive practice can be challenged. The highest-profile recent case is that of twenty-year old Anastasia Solovieva, a MOB from Kyrgyzstan who was strangled to death September 22, 2000 by her thirty-nine year old purchaser husband, Indle King, and his homosexual partner, twenty-year old Daniel Kristopher Larsen.⁶³ The facts read like a laundry list of the problems with non-disclosure of the purchaser husband’s particulars: she was a young, beautiful Soviet girl, a gifted classical pianist and an intelligent student; he was a middle-aged, divorced, failing businessman in desperate financial

⁶⁰ “Report of the Expert Group on Strategies for Combating the Trafficking of Women and Children: Best Practice”, Commonwealth Secretariat, London, 2003.

⁶¹ *Ibid.*

⁶² *Supra* note 42.

⁶³ See Lewis Lamb and Robert L. Jamieson Jr. “Mail-order bride’s dream of a better life ends in death” *Seattle Post-Intelligencer* (2 February 2001), online: Mail-order bride’s dream of a better life ends in death <<http://seattlepi.nwsource.com/local/brid02.shtml>>, accessed 2006-03-25.

circumstances. Anastasia's parents feared for her future in her impoverished home country, so she began advertising herself as a MOB, hoping to move to America. King had already lost his first Russian MOB after 4 years of a tumultuous and sometimes violent marriage, in which he allegedly "hit [his first wife] in the head with his fist ... threw her head against the wall and continuously pounded (her) head against the wall."⁶⁴ His first wife was granted a restraining order against him and they were divorced in 1997.

King wooed Anastasia through a MOB agency, as he had his previous wife. He represented himself to her and her family as wealthy, industrious, honest, and truly in love with Anastasia, and of course she knew no differently and could not verify his representations in any case. The two were married in 1998. It took about a year before police were called to the first domestic disturbance, with Anastasia complaining of an assault by King, which she later "recanted."⁶⁵ The abuse grew worse, and Anastasia, desperate for human contact and sickened by her husband, eventually started seeing a Russian businessman on the side, causing King to begin stalking her jealously. King threatened to kill her if she left him, and allegedly made inquiries with Kyrgyz contract killers with an intention to arrange her murder. Meanwhile, he was engaging in a homosexual relationship with Daniel Larsen, a convicted sex offender and child molester whom King was renting a room to.

In August 2000, Anastasia returned to Kyrgyzstan to visit her parents. King followed her. Upon her return to Washington, she "disappeared." Her parents' phone calls went unanswered and her classmates at the University of Washington didn't know where she was. King insisted to investigators that he believed she had stayed behind in

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

Moscow, but investigations revealed both had been on a flight from Moscow to Seattle and they had shared a taxi from the airport to their house.

After months of futile searching, Larsen, in prison for sexually assaulting a minor, revealed that he had strangled Anastasia the same day she had returned from Kyrgyzstan, at King's direction and while King held her down. He showed investigators Anastasia's body, which had been dumped in a shallow grave on an Indian Reservation.⁶⁶ King was eventually convicted for murder and sentenced to 29 years in prison.⁶⁷ On the anniversary of Anastasia Solovieva's death, in an interview conducted in Lynwood, Washington where her daughter is buried, Anastasia's mother said "[t]his is a specially heavy burden for us because we encouraged her to come to America... there is such pain, because I feel I played such a big role in her coming here, and the pain never goes away."⁶⁸

Susanna Blackwell met her husband, Timothy Blackwell, through a MOB agency. In 1994 she left her native Philippines to move to Washington to marry him. Mr. Blackwell physically abused his wife regularly, so Susanna decided to leave her husband and started divorce proceedings. More than a year later, on the last day of the divorce proceedings, Mr. Blackwell, who had discovered that Susanna was pregnant with another man's child, shot and killed Susanna, her unborn child, and two of her friends at the Seattle courthouse.⁶⁹

⁶⁶ *Ibid.*

⁶⁷ Jim Haley "Close to Anastasia" *The Enterprise Newspapers* (27 September 2002), online: The Enterprise Newspapers – Close to Anastasia by Jim Haley
<<http://www.enterprisewspapers.com/archive/2002/9/27/200292613595756.cfm>>, accessed 2006-03-25.

⁶⁸ *Ibid.*

⁶⁹ Statement of Senator Maria Cantwell, U.S. Foreign Relations Committee, July 13, 2004, online: US Policy article: Proposed Law Would Regulate International Marriage Brokers
<<http://www.uspolicy.be/Article.asp?ID=4B13F375-59DF-436F-81CB-C78FCBB8E4B7>>, accessed 2006-03-27.

Lester Stuart Barney, a resident of Cherry Hill N.J., married his fifth wife, Ukrainian-born MOB Alla Chevaganova, in 1998. She was a 21 year-old electrical engineering student, he was a 55 year-old failing businessman, but he feigned wealth on his visits to the Ukraine, and convinced her to marry him. The two had a son four years later. Eventually, their marriage deteriorated and Alla became increasingly independent, separating from Barney and taking custody of their child. On September 29, 2003, Barney murdered Alla outside their son's daycare facility with two knife wounds to the neck. At trial, Barney unsuccessfully attempted to claim self-defense, saying Alla had attacked him with the knife. He had received no injuries, however, while Alla had apparently sustained defensive wounds. Barney was convicted of murder and sentenced to thirty years to life in prison. Alla's mother, Natalya Markova, said in her victim impact statement: "I wanted a better life for her... It was my idea, this marriage, and I feel like I killed her with my own hands," also adding that Alla was afraid of her husband. During the course of the marriage, Barney had continued to look for women on the internet, and was already seeking his next MOB by the time Alla left him.⁷⁰

Stories such as these are extreme in their outcomes, but the relationships described in them are not out of character. "Maria," a Filipino MOB, tells her story: she met her Canadian husband through "penpal" advertisements. He began the courtship by paying her for nude photographs. When she immigrated to Canada, she lived with him in a trailer cabin with no running water or sewage. She boiled water from a nearby lake to care for her young child. She was not given any money, and kept completely dependent

⁷⁰ Jason Nark "Victim's mother plagued by grief, guilt over death" *South Jersey Courier-Post* (27 August 2005), online: CourierPostOnline – South Jersey's Web Site <<http://www.courierpostonline.com/apps/pbcs.dll/article?AID=/20050827/NEWS01/508270336/1006/ARCHIVES>>, accessed 2006-03-28.

upon him for all the necessities of life. She speaks of her time with him as “a great mess,” and says “my life was so hard... We struggled so much for four years staying there and if I only knew about it before, I wouldn’t have gone through it. For goodness sake!”⁷¹

Nika, another Filipino MOB, was married to Tom, a Canadian. Over the course of their “courtship,” he had misled her and her family into believing that he was divorced once, owned a successful taxi business, and would support her family, none of which was true. Nika was his *fifth* MOB, Tom owned nothing, and did nothing to support her family in the Philippines. He would not allow her to watch television or read the phone book. Nika would receive slaps if Tom felt she had eaten enough, and beatings for transgressions such as watching television or failing to store food properly. The couple eventually divorced.⁷²

Perlita was married to Keith, a Canadian man she had met while working as a Live-In Caregiver under Canadian immigration guidelines. This is a common route for women to take in the MOB industry.⁷³ Keith knew she was still technically married in the Philippines, and used the threat of exposing her previous marriage to immigration officials (who, she believed, would then deport her because her marriage to Keith would be invalid) to control her. Keith had also improperly registered a business under her name while she was still a Live-In Caregiver, a breach which could actually have had her deported. Through these threat mechanisms he controlled every aspect of her life, from her mobility and access to friends, to money. He physically abused her, kicking her in the back and face. He once held a gun to her head, threatening to shoot her, and another

⁷¹ *Philippine Women Centre of B.C.*, *supra* note 11.

⁷² *Ibid.*

⁷³ *Glodova and Onizuka*, *supra* note 1.

time constricted her chest with his knee until she could not breathe. The abuse occurred right in front of their children.⁷⁴

These situations are typical of the dominating and exploitive relationships between many MOB's and their purchaser husbands. The Philippine Women's Centre of B.C. writes:

Because many of the men are very familiar with the conditions of poverty in the Philippines, **they are able to craft their lies to entice the family and woman to consent to the marriage.** This is a very important starting point in pinpointing the seeds of abuse. **If marriage is thought of as a contractual relationship, the husbands in these cases grossly misrepresented fundamental terms of the contract....** Many of the women were not allowed to work outside the home and were not given any financial support by their husband. In Lanie's case, she was not given money for any household needs, even her newborn baby's diapers.⁷⁵

These cases represent the very definition of exploitation in the United Nations resolution already discussed. Furthermore, they indicate a significant pattern of wrongdoing among the men who purchase MOB's. Significantly, the men are not punished for this wrongdoing. They fail to provide the necessities of life, contrary to the *Criminal Code* s. 215⁷⁶, but clearly their brides are not aware of the law. They dominate their brides under threat of deportation, without any fear arising from the fact that they themselves did wrong in order to establish these threats. They do not fear misrepresenting themselves to the MOB, because as will be discussed, the only party who need fear misrepresentation is the immigrant. Their boldness, combined with the bride's upbringing under misogynistic conditions and her fear of the immigration process,⁷⁷ sets up a relationship of complete dominance that makes a mockery of the idea of a "partnership in marriage."

⁷⁴ *Philippine Women Centre of B.C.*, *supra* note 11.

⁷⁵ *Ibid* at 57.

⁷⁶ *Criminal Code*, R.S.C. 1985, c. C-46

⁷⁷ *Langevin and Belleau*, *supra* note 24.

How can we address the power imbalance?

The nature of this power imbalance relies in a substantial part on the ignorance and fear of the dominated MOB. One tool to combat this practice, then, is education. However, it is a difficult task. Many MOBs are so socialized under male-dominated and oppressive regimes that they are functionally unable to insist on even those rights that they are aware of.⁷⁸ This trait is, sadly, precisely what purchasers of MOBs look for.⁷⁹ So, of course, one desperately needed remedy is the continuing education of MOBs about their rights. Such could be fairly easily accomplished simply by requiring intermittent consultation with immigration officers and training classes in Canadian civil rights for a period of time as a condition of being granted a spousal sponsorship. The more difficult task is in re-educating these women to actually insist on rights they know they have.

It is therefore crucial that MOBs be educated not just on their civil rights, but also on their civil duties. They should be taught that it is not appropriate for their husbands to treat them as slaves... and that our society not only discourages it, but condemns it. They must come to understand the nature of our criminal justice system, that violations are not considered a crime against the individual only, but a crime against the people of Canada. We must appeal not only to their sense of rights, but also to their often very strong sense of duty, and to their desire to be part of our society, which we have already seen is also a very strong motivator for these women.⁸⁰ It can be hoped that their feelings of isolation and servitude to their husband can be counteracted by appealing to their sense of community: by giving them the psychological shield of belonging, and a duty to a higher purpose, perhaps they will be able to better achieve their own freedom. Education must

⁷⁸ *Glodova and Onizuka, supra* note 1.

⁷⁹ *Supra* note 26.

⁸⁰ *Supra* note 20.

therefore attempt to appeal to this desire to belong by making it clear that our society is interested in punishing abusive, coercive, and exploitive behaviour, and that the woman therefore must take a role in doing so. Of course, as will be argued, it is not enough to insist that there is a duty on the MOB's part unless we are also offering her our protection, lest she consider the risk of upholding her civic duty too great.

III. The Challenge and Necessity of Legislative Response

Is the current legislation sufficient to deal with the problem?

The mechanism by which MOBs are brought to Canada is through specific provisions in the *Immigration and Refugee Protection Act (IRPA)*⁸¹ and the related *Immigration and Refugee Protection Regulations (Regulations)*.⁸² The mechanism was previously through the sponsor (the purchaser-husband) requesting a “fiancée visa” in order for the MOB to come to Canada. It was at this point that the purchaser's position of power over the woman was even further enhanced. The visa stipulated that the bride would have 90 days upon entering Canada to be married, or else it expires and she becomes illegal. This was, in the past, used as leverage by pimps who sponsored women into the country to become prostitutes, holding the would-be bride in debt bondage to him under threat of having her deported.⁸³ The seriousness of her situation was often

⁸¹ S.C. 2001, c. 27.

⁸² SOR/2002-227 (*Regulations*).

⁸³ *Langevin and Belleau*, *supra* note 24 at 102-103.

compounded by the added pressure of the humiliation and community condemnation she would face upon returning home from a failed marriage, having lost her virginity.⁸⁴

The fiancée visa has since been repealed as an immigration method, and a person need no longer be granted a valid temporary immigration status (visa) in order to apply for permanent resident status.⁸⁵ The practice was discontinued as of February 18, 2005, which essentially means that many MOB's currently in Canada may have come here under the previous regime, and are therefore still of the belief that they are dependent upon their purchaser in order to stay. The implications of this fact in relation to what steps should be taken to educate MOB's on their rights as Canadian residents have already been explored. Even with the changes, however, the current practices still leave much to be desired. A MOB who wishes to immigrate to Canada is still dependent on the purchaser husband to apply for a Family Class Sponsorship on her behalf, under the *IRPA*.⁸⁶

Much of the discussion from this point forward will deal with permanent residents, rather than Canadian citizens, essentially out of convenience. After becoming a permanent resident, the *IRPA* allows a MOB to apply for citizenship in the same way as all other permanent residents. However, it is very possible that the MOB's husband, seeking to control her, will not inform her of this fact, or will actually forbid her from doing so. In any event, as the provisions respecting misrepresentation and fraud have the

⁸⁴ *Ibid.*

⁸⁵ Citizenship and Immigration Canada, *Change in Policy: Sponsorship of Spouses and Common-law Partners from within Canada*, online: CIC Canada | FAQ – Change In Policy: Sponsorship of Spouses and Common-law Partners from Within Canada <<http://www.cic.gc.ca/english/sponsor/faq-spouse.html#Q1>>, accessed 2006-03-25.

⁸⁶ Citizenship and Immigration Canada, *Family Class Immigration*, online: CIC Canada | Sponsor a Family Member <<http://www.cic.gc.ca/english/sponsor/index.html>>, accessed 2006-03-35.

same effects and threat value – as will shortly be discussed – on citizens as they do on permanent residents, there is no compelling reason to distinguish between the two here.

Section 13(1) of the *IRPA* allows a Canadian citizen to sponsor a foreign national who is “a member of the family class.”⁸⁷ This includes, of course, the spouse. There is no way, in the eyes of the law, to differentiate between a MOB and a “traditional” spouse, when both come over on a spousal sponsorship. The only provision even close to dealing with the legitimacy of the spousal sponsorship claim in the MOB instance is section 4 of the Regulations:

s. 4 *Bad Faith*

For the purposes of these Regulations, a foreign national shall not be considered a spouse, a common-law partner, a conjugal partner or an adopted child of a person if the marriage, common-law partnership, conjugal partnership or adoption is not genuine and was entered into primarily for the purpose of acquiring any status or privilege under the Act.⁸⁸

Obviously this is not a particularly forceful provision. First, being part of Regulation and not of statute, it is open to increased dispute as to its interpretation, particularly as to the definition of what a “genuine” partnership is. Second, any question of the legitimacy of the marriage is easily sidestepped by both parties simply expressing a “genuine” interest in being married. “Genuine,” in this context, has been judicially interpreted as “intending to reside together permanently”⁸⁹: obviously no bar to the MOB. It is also highly unlikely the MOB will admit that she is only marrying the purchaser “for the purpose of

⁸⁷ *IRPA*, *supra* note 81.

⁸⁸ *Regulations*, *supra* note 82.

⁸⁹ *Horbas v. Canada (Minister of Employment and Immigration)* [1985] 2 F.C. 359.

acquiring any status or privilege under the Act,”⁹⁰ (i.e. to gain residency) even if this is in truth her intention.

Last, the actual facts of the marriage are subject to interpretation at the discretion of immigration officials, and producing authentic marriage documents from the MOB’s country of origin is generally satisfactory proof.⁹¹ It is to obtain this documentation that most men travel to the foreign country to “get married” before applying for sponsorship status.⁹² Unfortunately this step, while it does impose a hurdle upon some men who cannot afford to travel, also feeds the previously discussed “spin-off” MOB romance/sex tourism industry. In addition, the requirement of these foreign marriage documents actually places additional power in the hands of the man, since it adds another step in the process which is entirely under his control, thereby contributing to the relationship of inequality and adding to the exploitive nature of the marriage.

This power can become quite overwhelming: as Langevin and Belleau correctly point out, “a consumer-husband using the MOB process as a pretext for other activities [referring here to sex tourism and/or prostitution] has every interest in contravening the marriage laws [of the foreign country],”⁹³ as he also does upon his return to Canada. The reason is that, if a bride is already living in Canada and her marriage “abroad” is determined subsequently to be invalid, her permanent resident status now depends solely on the validity of her marriage in Canada. She probably will not know about the specific provisions in the *IRPA* regarding application for admissibility on “compassionate or

⁹⁰ *Ibid.*

⁹¹ *Langevin and Belleau, supra* note 24.

⁹² *Glodova and Onizuka, supra* note 1.

⁹³ *Supra* note 24 at 147.

humanitarian grounds,”⁹⁴ and so will reasonably believe that her husband can have her declared inadmissible and deported if their marriage ends. This places another tool of intimidation in his hands.

Thus, “the consumer-husband will be able to threaten to have the bride deported if she complains about the way he is treating her.”⁹⁵ If he were to divorce her, or to withdraw his sponsorship, and he could prove that she was acting in “bad faith” with respect to the Regulations, or claim that they had only a marriage of convenience and he had no intention of entering into a genuine spousal partnership with her, she actually could then have her permanent resident status revoked and be deported. In practice, it is unlikely that the immigration system would come down so harshly upon her, but she likely will not know that, especially if she hails from a nation where police and government are corrupt and untrustworthy. So this is a viable threat in her eyes.

The husband could also have the marriage declared invalid under the *IRPA* by showing that the MOB was already the spouse of another person at the time of the marriage (which certainly could happen in foreign nations where divorce is either not practiced or not conducted in ways which can be proven and documented), or that the purchaser was already the spouse of another person. Also, in cases where full disclosure of the husband’s situation and history are lacking (nearly every time⁹⁶), this places the MOB at great disadvantage. If her purchaser husband was, in fact, married or common-law with someone else at the time of her sponsorship, her marriage to the Canadian citizen could be declared invalid. If this fact comes to light, she could be deemed

⁹⁴ *IRPA*, s. 25, *supra* note 81.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

inadmissible,⁹⁷ regardless of her status as a permanent resident. As was already pointed out, she would then believe she was at risk for deportation, so the threat that her husband can use against her is significant.

Another major weakness in our immigration laws are the provisions relating to the sponsor himself. Ordinarily, by provision of *IRPA* section 131, the sponsor's financial situation will be considered in determining the validity of their undertaking to sponsor a foreign national, *vis-à-vis* the ability of the sponsor to provide for the person he is sponsoring.⁹⁸ This generally ensures that people are not sponsoring foreign nationals who will subsequently become a burden on Canada's social structure. However, *IRPA* section 133(4)(a) makes an exception of this financial condition if the man is sponsoring his "spouse, common-law partner or conjugal partner," providing only that the sponsored party has no dependent children.⁹⁹ The law's blindness to the financial situation of the purchaser husband is of some concern, especially considering the strained financial circumstances of some of these consumers.¹⁰⁰ This situation greatly increases the likelihood that a MOB may become a financial burden on the social system... an outcome that the immigration system is most certainly trying to avoid. It is true that *IRPA* section 132 provides that the sponsor is obliged to reimburse the government for any social assistance his sponsored party receives, but only for a period of three years from the day of her entry into Canada.¹⁰¹ Thus, after three years have elapsed, the sponsoring purchaser husband can simply elect to leave his MOB spouse and seek a new one, without fear of financial repercussions. Not only is the MOB then on her own

⁹⁷ *IRPA* s. 40(1), *supra* note 81.

⁹⁸ *IRPA*, *supra* note 81.

⁹⁹ *Ibid.*

¹⁰⁰ *Supra* note 50.

¹⁰¹ *IRPA*, *supra* note 81.

financially in a strange country, she is still subject to the fear of deportation if her husband (as outlined above) brings to light that her admission to Canada was based on a misrepresentation, so his power over her does not end there, even though his legal obligation does.¹⁰²

There are several statutory provisions relating to inadmissibility which may present minor obstacles for some MOB's coming to Canada, but not significant barriers. *IRPA* sections 34 through 42 provide for a person's inadmissibility on the grounds of, *inter alia*, security, human rights violations, criminality, health, and financial reasons.¹⁰³ Unfortunately, the human rights violations and criminality relate to the conduct of the MOB, not the purchaser husband, and they do not present any special punitive consequences for his actions. The provision in the *IRPA* relating to the financial capacity of the MOB only requires that an immigration officer be satisfied that "adequate arrangements" for care and support have been made.¹⁰⁴ It is reasonable to speculate that being married to an employed Canadian citizen constitutes such "adequate arrangements." And, as outlined above, since the husband's financial circumstances do not apply in this situation, it is unlikely that significant inquiry into the practical adequacy of such an arrangement will be made.¹⁰⁵

Thus it can be seen that the *IRPA*, with respect to inadmissibility, does not present much difficulty in MOB's coming to Canada. In fact, it is a much greater threat to MOB's once they are already in Canada, as a weapon in the hands of their husbands. Even in the absence of a substantive threat, a MOB may be intimidated by her husband's empty

¹⁰² *Supra* note 97.

¹⁰³ *Ibid.*

¹⁰⁴ *IRPA*, s. 39, *supra* note 81.

¹⁰⁵ *Supra* note 99.

threats of deportation into acquiescing to his demands: many are not well educated or do not speak English well, most are submissive and non-confrontational, and very few are aware of, or given the opportunity to become aware of, their rights under Canadian law.¹⁰⁶ Certainly it is unlikely that many will spend much time researching their statutory rights. Given the reasons discussed above for which MOBs come to Canada, and the desperate circumstances in their country of origin, compounded with the stigmatization they are likely to face,¹⁰⁷ deportation is likely the greatest evil to be avoided that the woman can contemplate.

Langevin and Belleau, in their work for Status of Women Canada, came up with twenty-five specific recommendations concerning the legal framework governing the MOB industry. Among them were recommendations to:

- provide legal aid and legal aid funds for immigrants which MOBs could use to protect their rights and be supported in legal proceedings involving their purchaser-husband
- investigate consumer-husbands for criminal activity before allowing them to invoke spousal sponsorship provisions
- prohibit consumer-husbands who have entered into invalid marriages from submitting new sponsorship undertakings, and prohibit multiple spousal sponsorships by a single person (subject to appeal on humanitarian grounds)
- provide a remedy for a bride against her consumer-husband for abuse of the sponsorship process and misrepresentations he makes to her in order to induce her to immigrate

¹⁰⁶ *Glodova and Onizuka, supra* note 1, *Langevin and Belleau, supra* note 24, *Philippine Women Centre of B.C., supra* note 11.

¹⁰⁷ *Supra* notes 12, 24.

- legislate the maintenance of sponsorship undertakings if marriages break down¹⁰⁸

To date, the only recommendation which appears to have been followed was the repealing of the aforementioned “fiancée visa.”¹⁰⁹ None of the positive steps advocated for to address the problem, for example provision for legal aid or legislation binding the sponsoring party to their sponsorship undertaking, have been followed. As a result, current measures have fallen short of addressing the actual nature of the problem itself.

The short answer, then, to the question of whether current legislation is sufficient to deal with the problem, is no. The exploitation of women through MOB relationships involves intimidation and control: *IRPA* legislation is entirely unequipped to address this aspect of the trade. *IRPA* provisions relating to “bad faith” marriages and “adequate arrangements” for care and support are woefully inadequate to address the global dynamic of exploitation occurring in the MOB industry. While it has been seen that the husband’s transgression into the personal safety and security of the MOB sometimes escalates to a level necessitating the involvement of the Criminal law, often it may not, or at least it may not become sufficiently grievous that the enforcers of the Criminal law elect to cross the aforementioned conceptual “boundary” into the private affairs of a marriage. Furthermore, the Criminal law is generally handcuffed to the extent that the complainant does not come forward – this is a classic problem involved in domestic abuse.¹¹⁰ There is a strong policy argument for encouraging the reporting of domestic

¹⁰⁸ *Langevin and Belleau, supra* note 24, at 180-182. Langevin and Belleau also argue for comprehensive legal education for immigrants, as discussed above.

¹⁰⁹ *Ibid.*

¹¹⁰ For a complete treatment of the difficulties inherent in legal responses to domestic violence, including the problem of “under-reporting,” see Linda Nielson, *Partner Abuse, Children and Statutory Change: Cautionary Comments on Women's Access to Justice*, 18, Windsor Yearbook of Access to Justice, 2000.

abuse in all contexts, yet without further addressing the relationship of inequality she is subject to, the MOB is left on her own to grapple with her dominating purchaser, her chauvinistic upbringing, and her isolation. The resulting continuation of the exploitation is all but a foregone conclusion.

What further steps are needed?

What can be done to take this weapon out of the hands of the purchaser-husband? To begin with, inherent in immigration statutes should be a provision requiring that, in the case of spousal sponsorship, the immigration officer be satisfied that the woman is accepting the sponsorship free from duress, enticement, and exploitation. This should necessarily involve a criminal and financial background check on the sponsoring consumer-husband, to ensure the good faith both of his sponsorship and his intentions and ability to make good his undertaking of sponsorship.¹¹¹

Also, preferably before a MOB is admitted into Canada, but certainly before she is granted permanent resident status, she should fully understand her legal position. This would properly involve some sort of comprehensive “immigration training” program, but failing that there must at least be the requirement that a detailed (and translated, if necessary) explanation be provided to the sponsored spouse regarding the conditions of the sponsorship and the ways in which she could end up facing deportation. This must be mandated in statute and not left to the discretion of administrators, who may not have the policy knowledge or foresight to grasp the importance of the measure, or understand the aim the legislation is seeking to achieve. To allow otherwise is to functionally, through inaction, perpetuate the power imbalance inherent in her position, and to become party to

¹¹¹ As advocated for by *Langevin and Belleau*, *supra* note 108.

the exploitation that is occurring. These steps alone will not likely be sufficient to affect many MOBs, yet it may give them some minimal tools against coercion and, more importantly, it may cause them to consider consulting further upon their legal position.

Further statutory reform should take place in the form of additional sanctions imposed on purchaser-husbands for misconduct with respect to misrepresentation to the bride herself, as in the context described by the Philippine Women Centre of B.C.¹¹² It has already been illustrated that currently, far from encouraging proper steps for immigration, the husband actually may have significant incentive not to follow proper marriage procedures, or disclose pertinent information to immigration officials.¹¹³ This is punishable by significant fines or imprisonment under *IRPA* s. 127,¹¹⁴ though studies have concluded that this provision is not typically imposed.¹¹⁵ However, the misconduct is often perpetrated not against the immigration officials, but against the MOB herself. Even though the misrepresentation occurred before she became a permanent resident, the effect is that she is induced into becoming a permanent resident of Canada by this misrepresentation, and thus we should protect her interests as we would any other permanent resident.

The purchaser-husband should, at a minimum, be subject to the same punitive measures for misrepresentation to the sponsored party as he would be for

¹¹² *Supra* note 75.

¹¹³ *Supra* note 93.

¹¹⁴ *IRPA*, *supra* note 81.

¹¹⁵ *Langevin and Belleau*, *supra* note 24. Another necessary step is therefore to encourage some standard for the application of these penalties in certain situations, rather than leaving them to languish at the mercy of official discretion. However, further analysis of the procedural minutiae involved extends beyond the ambit of this discussion.

misrepresentation to immigration officials.¹¹⁶ The sanctions should be at least two-tiered, one for general misrepresentation, which would catch all offenders who knowingly misrepresent to induce a spouse to immigrate, and would hold the wrongdoer responsible for the costs and burdens imposed upon the spouse (not to mention on our immigration and social systems) that their misrepresentation has caused. There should be another, higher tier of penalties recognizing the intent of the misrepresentation, which would catch specifically those who abuse the process for the purpose of exploiting those people whom he knows to be vulnerable. Given the severity of such an infringement on human rights and human dignity, and given that it would involve harm imposed upon a Canadian resident, on Canadian soil, the provisions should take on a Criminal or quasi-criminal nature with respect to procedure and penalty.

Such a measure would construe a reasonably minimal impairment of civil liberties, since the penalties would thus apply only to those who are morally culpable, and it would be clearly justifiable in furtherance of Canada's international obligations against exploitation and trafficking, such as those enumerated by the "Protocol to Prevent, Suppress and Punish Trafficking in Persons."¹¹⁷ This sort of policy decision to balance the competing interests of human rights and civil liberties is properly made by the legislative branch of government. Administrative tribunals or even courts should not be asked to weigh a person's liberty against their conduct without an indication from the legislative branch of government about exactly how far we, as a society, believe these individual rights need to be constrained. Thus the task of adopting such penalties is not

¹¹⁶ Borrowing the essential features from the "liability to his bride" recommendation made by *Langevin and Belleau*, *supra* note 108. Placing power in the hands of the bride clearly helps address the problem of exploitation in the relationship.

¹¹⁷ *Supra* note 14.

properly left to the discretion of immigration officials and administrators, but must be mandated by the authority of Parliament.

Most importantly, some *express* provision must be enacted to allow the MOB to stay in Canada despite her purchaser-husband's threats. Recall that the problem with the exploitive relationship is that the power over the MOB is based on her perceptions of her options and her husband's power over her, as informed not only by his threats but also deeply ingrained by her socialization, education, and experiences in her home country. True, even if she is declared inadmissible, she can be afforded protection on her application for humanitarian or compassionate grounds, but a process of this nature is unlikely to be understood *ab initio* by the average MOB. Provision for legal aid as advocated for by Langevin and Belleau,¹¹⁸ in conjunction with comprehensive education of the MOB may help address this problem, but there must also be some express part of the legislation about which spouses sponsored to Canada can be educated, stipulating that they *will not* bear the consequence of deportation as a result of the actions of their purchaser-husband.

It is not necessary to actually change basic inadmissibility requirements: after all, some distinction needs to be made between the situation where the sponsored spouse comes to Canada with the intention of promptly leaving her sponsor, which is justifiably to be discouraged, and the situation where a MOB legitimately intends to make her marriage work. However, without expressly providing protection for the MOB who is innocent of deceitful intent, the threat of having to remain in the sponsor's "good graces," remains a powerful coercive tool in the hands of the exploiter. Absent a protective provision, the aforementioned education we must attempt to provide the exploited women

¹¹⁸ *Supra* note 108.

with respect to their rights and duties as residents of Canada would likely fall on deaf ears. The positive provision should properly take the form of a “commitment” made by the Government of Canada to the MOB that her rights will be respected and protected in equal degree to those of her purchaser-husband. Only then will it realize the necessary goal of psychological protection for the MOB.

Currently, the provisions for persons in need of protection¹¹⁹ do not capture MOBs, but perhaps they should be made to, at least in some limited circumstances. Whatever the measure taken, the significant coercive potential of the threat to withdraw sponsorship must be neutralized. By failing to extend the express protection of the law of immigration around the MOB, Canada’s laws actually constitute tool for the purchaser husband in the exploitation of these women. Until this oversight is corrected, any attempt to educate these women on their rights under the laws of Canada is only so much hot air.

What precedent exists for Mail Order Bride legislation?

A recent attempt to legislate the MOB industry was made in the United States, though it may be misguided. The *International Marriage Broker Regulation Act* (IMBRA) of 2005¹²⁰ has attempted to address the mail order bride issue. The response by the American law is to direct legislation at the “International Marriage Brokers” (MOB agencies) themselves, requiring that they comply with regulations to provide overseas brides with criminal background checks and disclosure documents on their potential purchaser husbands. The law was passed in response to some studies suggesting that the

¹¹⁹ IRPA s. 97, *supra* note 81.

¹²⁰ Attached as Schedule D to the *Violence Against Women Act* 42 U.S.C. 1994, signed into law January 5, 2006 by President George W. Bush. The IMBRA itself does not yet appear to be officially reported, so no section number can be cited.

purchasers of mail order brides are generally repeat sexual or violent offenders, particularly against their spouses,¹²¹ and assumes that such a requirement would decrease the incidence of such abuse, as MOB's would then be more likely to decline to marry these men. Penalties to agencies for non-compliance include substantial fines and up to five years imprisonment.

This idea has been the subject of great debate in the United States. Many groups have praised the measure as “a historic step towards protecting the thousands of foreign women who each year fall prey to predatory abusers who use [International Marriage Brokers] to find their next victims.”¹²² Others condemn the law as “draconian,” saying that this is an example of where “government violates the privacy of its own citizens to benefit foreign individuals.”¹²³ Proponents counter that the law simply provides MOB's with “the rights and resources available to domestic violence victims in the United States.”¹²⁴ Detractors respond that U.S. laws against violence already protect them.¹²⁵ Judicial response has been spectacularly non-committal. A number of temporary restraining orders have been granted, as recently as March 3, 2006,¹²⁶ preventing the Attorney General from proceeding against various MOB agencies under the legislation. No definitive ruling has been made on the obvious privacy infringement issues.

¹²¹ Scholes, *supra* note 42.

¹²² Layli Miller-Muro, *Tahirih Justice Center*, “USA - Historic Law Signed by President Bush to Prevent the Abuse of Foreign Women Through International Marriage Brokers” un-instraw.org (2 March 2006), online: INSTRAW review news ticker: USA – International Marriage Broker <<http://www.un-instraw.org/revista/hypermail/alltickers/en/0496.html>>, accessed 2006-03-27.

¹²³ Wendy McElroy “Mail-Order Bride' Law Brands All American Men Abusers” *iFeminists* (10 January 2006), online: FOXNews.com – Views News <<http://www.foxnews.com/story/0,2933,180487,00.html>>, accessed 2006-03-27.

¹²⁴ *Supra* note 102.

¹²⁵ *Supra* note 103.

¹²⁶ Fiancé.com, *forum: Temporary Restraining Order Against IMBRA, March 9, 2006*, online: Temporary Restraining Order Against IMBRA <<http://forum.fiance.com/forum2.asp?Main=ShowTopic&topicid=2356>>, accessed 2006-03-27.

The American law simultaneously falls short of, and oversteps, the needed measures to address the problem. From a common-sense perspective, a simple requirement of disclosure to MOBs is not likely to change immigration patterns, nor is it going to significantly deter those men seeking MOBs. They may deplore the law and perhaps the most egregious sexual and violent offenders may think twice about disclosing their records, but for the most part, it is hard to envisage that any substantial proportion of the estimated four to six thousand men in the United States who find MOBs each year¹²⁷ have a criminal record that is so reprehensible that it will either deter them disclosing it, or deter women from marrying them. As has already been addressed, the main reasons for which the MOB business continues to operate (the men want submissive partners, the women want to immigrate to another country) remain completely unaddressed by the legislation. A MOB probably already knows she is not getting the best possible “candidates” for marriage that the country has to offer... the husband is not her goal, it is the citizenship.

The *IMBRA* legislation also does not address the significant trafficking aspect of the MOB trade: to make a parallel comparison, requiring illegal drug importers to disclose their criminal records to drug exporters in other countries would hardly affect the industry. The MOB industry is an internationally integrated business with multiple facets and multiple stakeholders. The women are simply the “product.” They are already exploited, so there is no reason to suspect that simply informing them that they are not marrying a “nice” person is somehow going to address the power imbalance already inherent in the process.

¹²⁷ *Supra* note 102.

At the same time, the point should be well taken that the *IMBRA* legislation infringes on the basic civil liberties of the purchasers, specifically the right to privacy. There is no requirement that a person must disclose their criminal record to dating partners in the domestic context, even if done through a dating agency... what then is the justification for requiring such disclosure in the international context? Even if the vast majority of men seeking MOB's are doing so for the purposes of exploitation and prostitution, is that justification for infringing on the privacy rights of the slim minority who are seeking a legitimate and loving partner and companion? American courts are right to look askance at this infringement, and this is precisely why we in a Canadian context should not emulate their response. The response advocated in this paper refrains from treading on the civil liberties of those who are not morally culpable: note that the measures and responses suggested are directed either at ameliorating the power imbalance in the MOB relationship, or punishing those men who are proven wrongdoers. The fact remains that some, if not many, international relationships are fully legitimate, and to impose unnecessary burdens on those who are not blameworthy, based on the misconduct of even a majority of others, would be an unreasonable infraction against our citizens' rights to privacy and equality.

As a law, the *IMBRA* is exactly what it looks like: a poorly-planned, knee-jerk reaction to several high-profile media cases,¹²⁸ lacking in foresight and understanding of the issue. As has already been argued, the proper legislative steps should involve:

- 1) explicit statutory protection for sponsored spouses from the consequences of their sponsor's wrongdoing.

¹²⁸ The murders of Anastasia King, Susanna Blackwell, and Alla Barney, *supra*. Brandon Swanson, "Law to protect 'mail-order brides'" *The Prague Post* (15 February 2006), online: The Prague Post Online <<http://www.usaimmigrationattorney.com/PraguePostOnline.html>>, accessed 2006-03-27.

2) continuing education of sponsored spouses on their rights and obligations under Canada's laws.

3) a toughening of punitive consequences against sponsors who deliberately misrepresent themselves.

These steps directly address the power imbalance inherent in the MOB relationship, thus mitigating the effect of the exploitation, while at the same time providing additional deterrence of men who seek to take advantage of the woman's situation. They do not infringe in any substantive way upon general civil rights, yet they also do not fall prey to the other criticism of the American *IMBRA* law, which is that it is targeting organizations and individuals who may be far beyond the legal and practical reach of U.S. jurisdiction.

Last, while the *IMBRA* seeks to address the problem from the supply end, it does so in the erroneous assumption that MOBs and their suppliers will make decisions in the same way, and in consideration of the same factors, as Americans would. This is a highly problematic assumption, given the clear differences in societal values between the United States of America and, for example, the Philippines.¹²⁹ The social stigma attached to a criminal record may be very different in the MOB's country of origin. Thus it is questionable to assume that measures which would hypothetically deter those who are not involved in the MOB industry, would also significantly deter those who are active participants. Furthermore, regulation and administration of the *IMBRA* mandate will be very difficult, considering the daunting task involved in verifying that the proscribed duties are being carried out overseas. The recommendations made here for legislative action in Canada, on the other hand, are targeted at the demand end of the industry.

Thus, not only would such measures be targeted at our own citizens, firmly within our

¹²⁹ See note 12, for example.

jurisdictional reach and conceptual understanding, but they could also be regulated more effectively and efficiently with respect to what measures actually *do* precipitate the desired results.

IV. Conclusion

The mail order bride industry is a complex community, fully integrated with international prostitution, sexual exploitation, and other illicit activities. To deny recognition of this fact is to wrongly permit our conceptions of marriage as a private institution to turn our eyes from what is a very real problem. Neither the bride herself, nor her purchaser, is interested in marriage as we understand it: it is a perversion of the institution by men who knowingly exploit women in desperate situations. The problem is compounded by the threats of deportation, substantiated or not, leveled against the brides by their husbands, and by the misconduct and misrepresentation of the husbands towards both their brides and the immigration system.

There are three potential solutions, and likely it will require a combination of all three in order to satisfactorily address the problem. First, the threat of deportation can and should be expressly neutralized, to remove it as a weapon from the hands of the purchaser husband who wrongfully uses the perceived strictness of our immigration laws to intimidate and coerce his bride. Second, these women must be educated systematically on their rights and duties as a Canadian resident, and a true appeal must be made both to their sense of self-worth as an individual with rights and protections, and to their obligation to help uphold the principles and laws of Canada. Third, additional penalties

must be imposed upon men who deliberately abuse the immigration system for the purposes of exploiting mail order brides, at best in hopes of deterring the practice, but at the very least to demonstrate to everyone involved in the industry that our laws are not simply rules that can be stepped around or broken, but principled legal protection for all people, regardless of sex, age, or place of birth.

The overall thrust of these three measures is aimed at the mail order brides in Canada, but hopefully the effect would be more widespread. Perhaps the additional risks to the husband would cause men intending to exploit the brides to rethink their actions. Perhaps the explicit protection afforded in statute would give more women, even outside of Canada, the confidence to insist on their human rights. Certainly it could not hurt to raise public awareness of the issue, and bring some societal pressure to bear on the problem of the exploitation of foreign women. Most importantly of all, whatever steps are taken, it must be made clear that the law in Canada is not a paper tiger: that we fully intend to enforce the fundamental right of life, liberty, and security of the person. We must bring the law into the real world, so to speak, and give it an “air of reality.” In short, we must show that our laws and our principles are present and alive in fact, and not just in theory.

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